

Attorney Docket No. 03460/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Masahiro MORISHIMA et al

Serial No. : 10/635,821

Filed : August 5, 2003

For : IMAGE COMPARISON APPARATUS,  
IMAGE COMPARISON METHOD, AND  
PROGRAM FOR CAUSING COMPUTER  
TO EXECUTE IMAGE COMPARISON

PATENT AND TRADEMARK  
DIVISION

2005 NOV 22

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I hereby certify this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313 on the date noted below.

*Catherine Bacon*

Catherine Bacon

Dated: November 16, 2005

**ATTENTION:** MAIL STOP 16 - REFUNDS  
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**REQUEST FOR REFUND**

Director of the U.S. Patent  
and Trademark Office

S I R :

250.00

Attached hereto is a highlighted copy of our September 2005 Monthly Statement of Deposit Account 06-1378. The \$200 fee, charged on September 6, 2005 (Control No. 2, Fee Code 1201) for an additional independent claim, and the \$50 fee (Control No. 3, Fee Code 1202) for a claim in excess of twenty, are respectfully submitted to be in error.

Enclosed is a copy of the cover page, along side of page 23, of the Amendment faxed to the USPTO on August 19, 2005. As noted in the CLAIM FEE paragraph on page 23, there are only 13

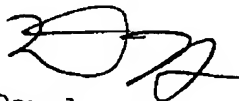
independent claims in the application: 1, 9, 11, 13, 17, 20, 23, 25, 29, 32, 38, 40, 41. No additional independent claim fee was required.

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Further, enclosed is a copy of Form PTO-2038 with the appropriate page from our credit card statement. The \$50 fee, for a claim in excess of twenty, was authorized for payment via credit card, and was paid on August 19, 2005. The charge to the undersigned's Deposit Account on September 6, 2005 was not necessary.

Therefore, it is respectfully requested that the Patent Office credit the \$200 fee, and the \$50 fee, charged in error on September 6, 2005, to Deposit Account 06-1378.

Respectfully submitted,



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Reg. No. 33,902

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**MONTHLY STATEMENT  
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FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C. FINA  
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Page 1

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[illegible]

Application No. 10/635,821  
Response to Office Action

Customer No. 01933

Attorney Docket No. 03460/LH  
IN THE UNITED STATES PATENT  
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For : IMAGE COMPARISON APPARATUS,  
IMAGE-COMPARISON-METHOD, AND  
PROGRAM FOR CAUSING COMPUTER  
TO EXECUTE COMPARISON

Art Unit : 2621

Examiner : Andrew W. Johns

~~AMENDED~~

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

This is responsive to the Office Action mailed May 19, 2005,  
the term for response to which expires on August 19, 2005.

Amendments to the Claims are set forth in the listing of  
claims which begins on page 2 of this paper. Claims 1, 2, 4-23  
and 25-35 are amended; claim 3 is maintained; claims 24, 36  
and 37 are canceled; and claims 38-41 are added.

Remarks begin on page 21 of this paper.

CERTIFICATE OF FACSIMILE  
TRANSMISSION  
TO NO. 1-571-273-8000

TD/M. PAGE: 27

Amendment (28)

I hereby certify that this  
paper is being facsimile  
transmitted to the Commissioner  
for Patents on the date noted  
below.

*N. Sawahiro*  
Masahiro Sawahiro

Dated: August 19, 2005

-In the event that this paper is  
late filed and the necessary  
petition for extension of time  
is not filed concurrently with  
herein, please consider this  
amendment as being filed on the  
date of this filing, and to the  
extent not covered by form  
PTO-2002-01, please refer to  
the extension of time fee  
authorization to Account No.  
06-1378.

Application No. 10/635,821  
Response to Office Action

Customer No. 01933

observation unit and the micro-observation unit comprises at  
least one of the illumination sources, and the operating means.  
See Fig. 13 and the disclosure in the specification at, for  
example, page 35, line 19 to page 37, line 19.

Still further, claims 9-12 have been amended to make some  
minor grammatical improvements and to correct some minor

antecedent basis problems, so as to put them in better form for  
issuance in a U.S. patent.

No new matter has been added, and it is respectfully  
requested that the amendments to claims 9-12 be approved and  
entered.

#### CLAIM FEE

The application was originally filed with 37 claims of  
which 13 were independent, and the appropriate claim fee was paid  
for such claims. The application now contains 38 claims, of  
which 13 are independent. Accordingly, a claim fee in the amount  
of \$50.00 for the addition of 1 extra claim in total is attached  
hereto. In addition, authorization is hereby given to charge any  
additional fees which may be required to Account No. 06-1378.

#### THE PRIOR ART REJECTION

Claims 9 and 10 were rejected under 35 USC 103 as being  
obvious in view of the combination of USP 6,434,264 ("Asar") and

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Adjustment date: 12/19/2005 SDIRETA1  
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01 FC:1201 200.00 CR  
02 FC:1202 50.00 CR